

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-962-2018

Date of Decision:-04.12.2018

Sandeep

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Sandeep has filed this petition seeking issuance of writ in the nature of Habeas Corpus so as to seek release of detenue-Anju stated to be illegally detained by respondent No.5-Sunil.
2. Pursuant to orders dated 29.11.2018, a Warrant Officer had been appointed to raid the premises of respondent No.5-Sunil. The Warrant Officer raided the premises in question where Anju was found present. It may here be mentioned that respondent No.5 is none else but husband of the alleged detenue-Anju. It however appears that Anju does not wish to reside with her husband, although she was found in the residence of her husband Sunil. When Warrant Officer reached there,

she immediately stated that she is apprehending danger at the hands of her husband as she has filed a divorce petition and wishes to be removed from that place. The relevant extract from the report of Warrant Officer reads as follows:-

“It is fairly submitted that undersigned alongwith petitioner reached at village Singwakhas, Tehsil Hansi, District Hisar with police party provided by P.S. Sadar, Jind and search was carried out at the house of respondents No.5 and 6 and alleged detenue Anju was found available in the house at the time of my visit, on asking she told that she be removed immediately from the village for a safer place as she is apprehending danger by the hands of her husband as she has filed divorce petition on 16.11.2018 (Flag ‘X’). After releasing she was taken to the Police Station Sadar, Jind. As per her wish alleged detenue Anju released and her custody given to the petitioner as she want to stay with petitioner. She further stated that she will make the statement before the Hon’ble Court on the date of hearing i.e. 04.12.2018. But she refused to take the custody of her 5 year old son alongwith her who was left with his grand mother Chander Devi. Undersigned accompanied them upto Chandigarh safely. Accordingly report is submitted.”

3. The detenue is present in person who has been identified by the petitioner who is present in person. Upon specific query put by this Court as to whether she wishes to reside with her husband i.e. respondent No.5-Sunil, she categorically stated that she does not wish to reside with him.
4. At this stage, Mr. Ramesh Kumar Bamal, Advocate has put in appearance on behalf of respondents No.5 and 6 and filed power of

attorney, which is taken on record. He stated that the petitioner has committed a series of offences against women and that in case the detainee is ever harmed, respondents No.5 and 6 be not held responsible.

5. It will be out of place to mention that two other ladies are also present in the Court who as per detainee are her mother and '*Mami*' (Aunt) who are rather aggressive towards detainee and expressed serious objection when the detainee stated that she does not wish to reside with her husband.
6. In view of the aforesaid fact that the detainee has been released, no further orders are required to be passed in this petition.
7. Since it has been noticed by this Court that the conduct of the mother and '*Mami*' (Aunt) of the detainee was rather aggressive, it will be open for the petitioner to move appropriate application to police to seek protection.
8. The petition stands disposed of in the above-mentioned terms.

04.12.2018

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No